

Sunset Public Hearing Questions for
Advisory Council for the Education of Students with Disabilities
Created by Section 49-10-105, *Tennessee Code Annotated*
(Sunset Termination June 2020)

Enabling Statute, Purpose, and Rules and Regulations

1. Provide a brief introduction to the council, including information about its purpose, statutory duties, staff, and administrative attachment.

The Students with Disabilities Advisory Council is established pursuant to T.C.A. § 49-10-105, as well as the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412, for the “purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state.” Establishment and maintenance of this council is required as a condition of Tennessee’s eligibility to receive federal special education funding.

The Advisory Council is tasked with:

- Advising the Department of Education of unmet needs within the state in the education of students with disabilities;
- Commenting publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;
- Advising the Department of Education in the development of evaluations and reporting data;
- Advising the Department of Education in the development and implementation of policies relating to the coordination of services for children with disabilities; and
- Making an annual report to the Governor, the General Assembly, and the State Board of Education on the status of special education in the state.

The Advisory Council is administratively attached to the Department of Education. The Advisory Council has no full-time staff.

2. Has the council promulgated rules and regulations? If yes, please cite the reference.

The Advisory Council has not promulgated its own rules but has reviewed and provided feedback on revisions approved in 2018 to the State Board of Education’s Special Education Programs and Services Rule, 0520-01-08.

Council Organization

3. Provide a list of current members of the council. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member’s term, and whether the member is serving a consecutive term.

Member	Term Start	Term Expiration	Role	Consecutive Term?	Appointing Authority
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Allie Plofchan	5/24/17	3/31/20	Charter School	No	Governor
Joey Ellis	9/1/17	8/31/20	Individual with Disabilities	No	Governor
VACANT	7/1/17	6/30/20	Institutions of Higher Education		
Mary Meador	7/1/19	6/30/22	Juvenile Corrections Agency	Yes	Governor
Catherine Knowles	9/1/17	8/31/20	Office of the Coordinator for Edu of Homeless Children	Yes	Governor
Melvin Jackson	7/1/18	6/30/21	Organizations Providing Transitional Services	No	Governor
Mark Liverman	1/7/17	6/30/20	Other State Agency	No	Governor
Jennifer Escue	7/19/17	6/30/20	Parent	No	Governor
Dawn Fry	5/10/17	3/31/20	Parent	No	Governor
Chantal Hess-Taylor	7/1/19	6/30/22	Parent	Yes	Governor
Darlene Walden	1/19/18	6/30/20	Parent	Yes	Governor
Brian Brown	1/19/18	6/30/20	Parent	Yes	Governor
David Craig	7/19/17	6/30/20	Private School	Yes	Governor
Amy Allen	7/19/17	6/30/20	Special Education Administrator	No	Governor
VACANT			State Adult Correction Agency		
Angela Jackson	7/1/19	6/30/22	Local Education Official	Yes	Governor
Stephanie Ortego	7/1/18	6/30/21	Teacher	Yes	Governor
Shannon Taylor	7/1/17	6/30/20	Parent	Yes	Governor

4. Are there any vacancies on the council? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.

The institution of higher education member and the state adult correction agency member are vacant. The institution of higher education has been vacant since June of 2019.

Recommendations for a replacement member have been received and it is anticipated that interviews will take place in October and November of 2019. The state adult correction

agency member has been vacant for several months. Interviews for the position have been completed and it is anticipated that a new member will be appointed soon.

5. How many times did the council meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the council did not have a quorum.

The Advisory Council met 4 times in FY18 and 4 times in FY19.

Fiscal Year	Date	Total Membership	Members Present	Quorum (constituted by a simple majority)
2018	July 10, 2017	19	11	Yes
2018	October 23, 2017	19	17	Yes
2018	January 22, 2018	19	16	Yes
2018	April 16, 2018	19	14	Yes
2019	July 16, 2018	17	9	No
2019	October 15, 2018	17	12	Yes
2019	January 14, 2019	17	12	Yes
2019	April 9, 2019	17	8	No

Financial Information

6. What were the council's revenues and expenditure for Fiscal Years 2018 and 2019? Does the council carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.

The council has no revenues. Expenditures for the council include reimbursement for travel expenses, meeting space, and meals provided during council meetings. The council carries no fund balance. Expenditures are reimbursed with federal IDEA Part B Administration funds. Costs reflected below include state expenditures for meeting space and meals.

Fiscal Year	Date	Total Expenditure (Space & Food)
2018	July 10, 2017	\$1,780
2018	October 23, 2017	\$1,780
2018	January 22, 2018	\$1,858
2018	April 16, 2018	\$1,858
2019	July 16, 2018	\$1,858
2019	October 15, 2018	\$1,858
2019	January 14, 2019	\$1,858
2019	April 9, 2019	\$1,858
	TOTAL	\$14,708

7. What per diem or travel reimbursements do council members receive? How much was paid to council members in Fiscal Years 2018 and 2019?

Hotel, mileage, and meal per diem reimbursement are provided for council members in accordance with State of Tennessee travel policy. Hotel reimbursement is provided only to council members traveling a distance greater than 50 miles to participate in council meetings.

Fiscal Year	Total Expenditure
2018	\$4,281
2019	\$4,304

Sunshine Law, Public Meetings, and Conflict of Interest Policies

8. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the council have for informing the public of meetings and making minutes available to the public?

Yes. Announcements for upcoming meetings with date, time, and location are posted to the Department's website and included in the Special Education Directors newsletter. Minutes for meetings, including video recording, are posted to the Advisory Council's page on the Department's website. Additionally, all meetings can be livestreamed from the website.

9. Does the council allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the council obtain feedback from the public and those they regulate?

All interested persons are invited to attend advisory council meetings. Time for public comment is scheduled on every meeting agenda. The time available is limited and is scheduled on a first come first serve basis. Meeting participants are not required to provide prior notice, but contact information is provided on the council website for requesting public comment in advance.

10. Does the council have policies to address potential conflict of interest by council members, employees, or other state employees who work with the council?

Council members sign the Department of Education's Policy 100.02 regarding Conflicts of Interest.

11. Does the council have a website? If so, please provide the web address. What kind of public information is available on the website?

The council has page on the Department of Education's website here:

<https://www.tn.gov/education/student-support/special-education/special-education-advisory-council.html>

Information on the site includes council by-laws, goals, annual reports, meeting agenda and minutes, membership, meeting dates, and recordings of previously held meetings.

Reports, Major Accomplishments, and Proposed Legislative Changes

12. What reports has the council prepared concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.

T.C.A. § 49-10-105, requires the Advisory council to “make an annual report to the governor, the general assembly, and the state board of education”.

The annual report for FY 2018 may be found here:

https://www.tn.gov/content/dam/tn/education/reports/331684_advisory_council_rpt_2017-18.pdf

The FY 2019 report will be available upon Advisory Council approval at the October 2019 meeting.

13. What were the council’s major accomplishments during Fiscal Years 2018 and 2019?

FY18 and FY19, the Advisory Council provided feedback on legislation brought by the Department of Education related to special education, reviewed changes to State Board of Education rules, and worked to promote:

- Improved student learning/outcomes that meet the needs of all students, regardless of their abilities;
- Expanded access and quality of services for students with disabilities (SWD);
- The use of ongoing assessments and unique accommodations that will accurately evaluate SWD;
- Increased quality and quantity of special educators, general educators, and para professionals serving eligible children and youth with disabilities;
- Improved use and application of State and local data related to special education to improve outcomes for students with disabilities; and
- Implementation of RTI² including planning, collaboration, and development of best practices that create a positive learning environment and successful experiences for students with disabilities.

14. Please describe any items related to the council that require legislative attention and your proposed legislative changes.

No legislative action is needed at this time.

15. Should the council be continued? To what extent and in what ways would the absence of the council affect the public health, safety, or welfare of the citizens of Tennessee?

Yes. In addition to being mandated by the federal IDEA, the Council provides a platform by which many Department's initiatives, strategic priorities, and activities impacting students with disabilities are reviewed, discussed, questioned, and, at times, formally commented on to the State Board or the General Assembly. This function provides a form of public review and helps to ensure quality control for the services and functions of the Department impacting students with disabilities.

At the request of the Chairman of the House Government Operations Committee, all agencies that provide responses to questions as part of the Q&A process should also provide the following information.

16. Identification of the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.

Theresa Nicholls, Theresa.Nicholls@tn.gov, (615) 253-2112
Elizabeth Fiveash, Elizabeth.fiveash@tn.gov, (615) 651-9932

17. Identification of the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Theresa Nicholls, Assistant Commissioner for Special Populations, Department of Education

Aleah Guthrie, Director of Policy, Department of Education

Dawn Fry, Council Chair

18. Office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Theresa Nicholls, Theresa.Nicholls@tn.gov, (615) 253-2112
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